



# WISCONSIN REGULATORY DIGEST

**Volume 11, No. 2**      **A Publication of the**      **OPTOMETRY EXAMINING BOARD**      **OCTOBER, 1999**

## Department Overview

**by Secretary Marlene A. Cummings**

As Secretary of the Wisconsin Department of Regulation and Licensing, I am frequently asked for information about the department and believe that it is useful from time to time to discuss the structure and philosophy which guides the work of this department as well as providing information of the department's current strategic business goals.

The Department of Regulation and Licensing is an umbrella agency, which provides services to over 20 boards. These boards are responsible for the regulation of a wide variety of professions and the department independently regulates many other professions, occupations and entities. There are basically three different regulatory activities provided by the boards and the department. They are: 1) the application and examination process; 2) defining what the credentials entitles the credential holder to do through scope of practice; professional conduct and professional ethics written into administrative code, and; 3) enforcement.

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One of the more unique oversight board arrangements in the department is the joint board that regulates architects, landscape architects, professional engineers, designers and land surveyors. This joint board is in the Division of Business Licensure and Regulation. The division is divided into two bureaus to allow for more direct service staff to become better acquainted with the issues surrounding each profession.

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This board, along with all other boards in the department, set standards of professional competence and conduct for the profession under its charge; prepares, conducts and grades the examinations of prospective new practitioners; grants licenses; investigates complaints of alleged unprofessional conduct; and performs other functions assigned to it by law. One of the most important departmental responsibilities is to assist the boards in discharging these duties.

In addition the department also:

- \* Acts as a conduit for professions and their interaction with other state agencies or the governor's office.
- \* Has broadened its enforcement authority to respond more effectively and efficiently to complaints of unlicensed practice. Through the administrative injunction process, the department is able to effectively enforce licensure requirements.
- \* Is in the process of using new technology to upgrade our services to customers through expanded use of automated telecommunications services and by facilitating electronic transmission of information via the Internet.
- \* Is exploring more opportunities for seminars and information exchanges with professional credential holders and their statewide associations to learn more about the professions and how we can provide better services.

### **Y2K Update**

By the end of this year, everyone - no doubt - will be tired of hearing about the Y2K "problem." The issue has received, and will continue to receive, considerable attention in the media and workplace. Governor Tommy Thompson has made

Y2K readiness one of the top priorities of his administration and is committed to ensuring that state agencies are ready to deal with any and all problems which may result from the coming of the year 2000.

The Department of Regulation and Licensing, like all other state agencies, has been preparing for the last couple of years now for the switch to the year 2000. We have analyzed major functions in the department and have identified areas where work was needed in order to prepare for a smooth transition to the year 2000. We are confident that our preparations are on track and we anticipate no major problems in the department as we approach the year 2000.

There are three main areas which can summarize our progress towards dealing with Y2K issues. They are:

**Applications:** All of our applications have been converted over to the Oracle database and these processes are Y2K compliant.

**Hardware and System Software:** The department is currently in the process of upgrading all of our personal computers to ensure that they are Y2K compliant. A complete department-wide testing of all computer hardware devices is being conducted.

**Contingency Plans:** The department is also developing a contingency plan to address issues related to business resumption in case a disaster involving unforeseen problems may arise due to Y2K issues.

We are confident that our actions to date and the additional efforts which will unfold over coming months will ensure that the department will see a smooth transition from 1999 to 2000. We will keep you posted on an "as needed" basis should other issues materialize or if we need to provide any

additional information regarding departmental goals and actions which are aimed at successfully managing the Y2K issue.

### **Division of Enforcement**

A critically important component of the role played by the Department of Regulation and Licensing (DORL) in overseeing professions subject to licensure and regulation is the Division of Enforcement (DOE), headed up by Administrator Jack Temby.

The DOE is a large division comprised of attorneys, investigators and support staff. Their primary mission is to conduct investigations of complaints received by the department concerning the conduct of persons holding professional credentials or licenses issued by the department. In the most recently completed biennium (1995-97) more than 4,400 complaints were received and processed by the division. When appropriate, complaints are resolved through mediation. However, if it appears there has been a violation of the laws enforced by the boards or department, formal disciplinary action may be commenced against the credential holder involved.

There are four distinct phases of the case handling process and are as follows:

- \* **Intake Stage:** This is the first stage in the case handling process. Cases are screened by screening panels to determine if an investigation is warranted. Cases that do not warrant investigation are quickly closed. Cases that appear to have merit are identified for investigative action.
- \* **Investigation Stage:** This is the next stage in the case handling process. Investigative staff gather necessary

evidence and make contacts with witnesses as needed. The results of the investigation are discussed with a case advisor and a department attorney. Cases that do not warrant professional discipline are closed. Cases with violations proceed to the next stage for legal action.

- \* **Legal Action Stage:** In this stage, department prosecuting attorneys, in conjunction with case advisors, review the results of the investigation and pursue disciplinary action when appropriate. Cases may resolve by means of stipulated agreements, informal settlement conferences or letters of concern.
- \* **Hearing Stage:** The last stage is the hearing Stage. This is a formal legal process. The department attorney litigates the case before an administrative law judge. The law judge makes a proposed decision which is reviewed by the licensing board. If a violation is found, discipline may be imposed. Disciplines include reprimand, limitation, suspension and revocation.

To file a complaint you may contact the Division of Enforcement by calling (608) 266-7482 or (608) 266-3736, or write the Department of Regulation and Licensing, Division of Enforcement, P.O. Box 8935, Madison, WI 53708-8935.

The Department of Regulation and Licensing and WOA maintain a list of approved Optometry Continuing Education Courses.

Department of Regulation and Licensing  
Optometry Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Address Correction Requested

# REGULATORY DIGEST

Bulk Rate  
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## Telephone Directory

**Automated Phone System for Chiropractic, Acupuncture, Massage Therapists/BodyWorkers, Music, Art & Dance Therapists, Marriage & Family Therapists, Nursing, Optometry, Professional Counselors, Psychology, & Social Workers: (608) 266-0145**

Press 1, then 4    **Application Requests for License & Continuing Education**  
Press 2    **Information on Status of Pending Applications**  
Press 3    **Information on Renewal, Verifications, Letters of Good Standing & Name or Address Changes.**  
Press 4    **Complaint Filing Information**  
Press 5    **Application Questions**  
Press 6    **Repeat Menu Choices**  
FAX:    (608) 261-7083

## Quick Keys

The following voice mail “**short cuts**” could be sent out with renewal notices and/or otherwise published:

To request a license application for your profession, just dial (608) 266-0145, then enter the Quick Keys number below for the profession you want:

Optometry	1-6
Application, Examination or Endorsement	1-6-1
Continuing Education Information/Application	1-6-2
Optometry DPA or TPA	1-6-3

## 1999 Meeting Dates

October 15, December 3.

## Verifications

All requests for verification of license status must be in writing. There is no charge for this service.

## Endorsements

Requests for endorsements to other states must be in writing. The cost is \$10. Please make check or money order payable to the Department of Regulation and Licensing.

## Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>

Send comments to [dorl@drl.state.wi.us](mailto:dorl@drl.state.wi.us)

## Wisconsin Statutes and Code

Copies of the Optometry Statutes and Administrative Code can be ordered through the Board Office. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated January, 1999.

## Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

**WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.**

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